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APPLICATION NO).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,016		09/30/2003	Satoru Miyagi	100021-00133	2380
4372	7590	04/19/2005		EXAM	INER
	OX PLLO		WELLS, KENNETH B		
1050 CON SUITE 400		T AVENUE, N.W.	ART UNIT	PAPER NUMBER	
	WASHINGTON, DC 20036				
				DATE MAILED: 04/10/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

*	Application No.	Applicant(s)			
	10/674,016	MIYAGI, SATORU			
Office Action Summary	Examiner	Art Unit			
	Kenneth B. Wells	2816			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).			
Status					
 1) Responsive to communication(s) filed on 3/30/0 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allower closed in accordance with the practice under E 	 action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ☐ Claim(s) 1,3-20 and 23-28 is/are pending in the 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1, 3-20 and 23-28 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the original than the correction access and the correction is objected to by the Examine.	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date S. Patent and Trademark Office.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:				

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1. Applicant's request for an RCE application and preliminary amendment filed on 3/30/05 have been received and entered in the case. The previous rejection under 35 USC 112, second paragraph is now withdrawn in view of the amendments included therein. However, the obviousness rejection based on Mashiko is

However, the obviousness rejection based on Mashiko is maintained, as set forth below.

- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 3. Claims 1, 3-20 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashiko.

See paragraph four of the previous office action (final rejection) mailed on 12/1/04 for the details of this rejection.

4. Applicant's arguments filed on 3/30/05 have been fully considered but they are not persuasive.

Applicant's arguments are all directed to alleged differences between the results and/or advantages of the invention as compared to the results and/or advantages of Mashiko's device. As applicant is well aware, this is not a proper way of distinguishing claims from the applied prior art. If there are any differences in the structure or function

recited in applicant's claims as compared to the disclosure of Mashiko, such differences should be identified in applicant's arguments. If no such differences exist, then the claims need to be amended so that such differences are present in the claims. This is long established U.S. patent practice that applicant needs to follow.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

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see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kenneth B. Wells Primary Examiner Art Unit 2816

April 16, 2005

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